



**TOWN OF GRAFTON
ZONING BOARD OF APPEALS**

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**MINUTES
ZONING BOARD OF APPEALS
THURSDAY, JANUARY 6, 2022
VIA ZOOM CONFERENCE**

A meeting of the Zoning Board of Appeals was held on Thursday, January 6, 2022, via Zoom Conference.

Members present: Chairman-Brian Waller, Vice Chair – Marianne Desrosiers, William Yeomans-Member, Kay Reed-Clerk, Member, William McCusker – Member, Peter Adams-Alternate Member, and Mitali Biswas – Alternate Member, and Robert Berger-Zoning Enforcement Officer.

Meeting called to order at 7:11 p.m.

Chairman calls meeting to order and takes roll call of all members, staff and others expected to participate.
Chairman reads remote access rules.

Case #878 – 15 North Main Street – Special Permit request – Change of Use – tabled

Case #880 – 45 Creeper Hill Road – Variance for driveway

Chairman reads rules of order.

Clerk reads legal notice.

Mr. Scott Morrison, petitioner, spoke to his attorney and would like a continuance to meet with attorney and Mr. Berger, the Zoning Enforcement Officer. Depending on the meeting, may not need to come before the Board.

Mr. Yeomans asks to clarify the plot plan. Plan states property is in OLI (Office Light Industrial), but it is in R40. Need new plans with the correct zone referenced on them.

Motion made by Mr. McCusker and 2nd by Mr. Yeomans to continue case #880 to February 10, 2022, at 7:00 p.m.

On a roll call vote: Ms. Desrosiers – yes; Ms. Reed – yes; Mr. Yeomans – yes; Mr. McCusker – yes; Chairman – yes.
5-yes, 0-no, motion passed.

Chairman recuses himself from the next case and leaves the meeting after appointing Mr. McCusker Temporary Chairman for Case #878.

Case #878 – 15 North Main Street – Special Permit request – Change of Use – tabled

Bill McCusker appoints Alternates Peter Adams and Mitali Biswas as voting members on this case.

Mr. McCusker informs the Board that Mr. Belfiore has met with the Development Team and Mr. Berger and himself to try and get the food truck at this location. Not changing the use of the building, want to allow the food truck to be parked in the parking lot. Mr. Berger is working on a by-law for the Select Board to approve food trucks annually. If the by-law is not approved in time, would like to at least give a Special Permit to allow the ice cream truck for the upcoming season.

Discussion on the ice cream truck:

- Per Mr. Berger it can not be permanent, must remain mobile, on wheels
- Concern about parking when the restaurant is open, will there be enough parking for both the restaurant and the food truck – per discussion, there will be
- Mr. Jack Reilly of 162 Worcester Street, North Grafton, has no comment.

Motion made by Mr. Yeomans and 2nd by Ms. Reed to close case #878 to public input.

On a roll call vote: Mr. Yeomans – yes; Ms. Reed – yes; Mr. Adams- yes; Ms. Biswas – yes; Chairmen – yes.
5-yes, 0-no motion passed.

Motion made by Mr. Yeomans and 2nd by Ms. Reed to grant a Special Permit to 10-12 Bridge Street LLC, for 15 North Main Street to allow a food truck to be parked at the location. Only food/ice cream to be served, no alcohol.
On a roll call vote: Mr. Yeomans – yes; Ms. Reed – yes; Mr. Adams- yes; Ms. Biswas – yes; Chairmen – yes.
5-yes, 0-no motion passed.

Chairman Waller rejoins the meeting.

Providence Road Commons: Brian MacEwen of Graz Engineering, would like approval from the Board to close out the Comprehensive Permit for Providence Road Commons. All required documents have been submitted and all requirements have been met.

Motion made by Mr. McCusker and 2nd by Mr. Yeomans to approve the release of all monies held in Surety pursuant to the comprehensive permit during the construction of the Providence Road Commons 40B development.

On a roll call vote: Ms. Desrosiers – yes; Ms. Reed – yes; Mr. Yeomans – yes; Mr. McCusker – yes; Chairman – yes. 5-yes, 0-no, motion passed.

Fisherville Terrace: NPC – Notice of Project Change – Start and arrival time

Determine whether the request to change the arrival and start times of the construction is considered a substantial or an insubstantial change.

Discussion of the current issues at the construction site with workers arriving and starting work before the allowed time of 7:00 a.m. Member McCusker shows the Board and the applicant the list of arrival and start time violations since the tree removal started in September/October. Mr. McCusker outlines the violations that have occurred on the site since work has begun.

Continued discussion with the Board all feel it is a substantial change and a public hearing would need to be held and need to inform all the neighbors.

Discussion regarding inside subcontractors and allowing them to work any time and any day they would like. Again, Mr. Berger, the Zoning Enforcement Officer informs the applicant that the by-law regarding work on any job site also includes interior subcontractors. Noise from arriving, opening, and closing vehicle doors, etc., nail guns, and other power tools.

Motion made by Mr. McCusker and 2nd by Mr. Yeomans that the NPC – request submitted by Fisherville Terrace on 12/15/21, change of start and arrival times, is considered a substantial change. On a roll call vote: Ms. Desrosiers – yes; Ms. Reed – yes; Mr. Yeomans – yes; Mr. McCusker – yes; Chairman – yes. 5-yes, 0-no, motion passed. ****NO WAIVER HAD BEEN PREVIOUSLY SOUGHT OR GRANTED TO WAIVE THE START TIME FOR THE PROJECT****

Applicant asked for time to confer with his Attorney to consider withdrawing the request. The Board agreed.

Case #876 – 244 Worcester Street – Variance on parking

The Board has received a request from the attorney requesting a continuance to the next scheduled ZBA meeting.

No testimony was heard on this case. The Board only voted on the request to continue.

Motion made by Mr. McCusker and 2nd by Ms. Reed to continue Case #876 to Thursday, February 10, 2022, at 7 p.m.
On a Roll Call Vote: Ms. Desrosiers – yes; Ms. Reed-yes; Mr. Yeomans-yes; Mr. McCusker-yes; Chairman-yes. 5-yes, 0-no, motion passed.

MINUTES:

Minutes from 4/14/2021 Meeting

Motion made by Mr. Yeomans and 2nd by Ms. Desrosiers to accept the minutes from the 4/14/2021 meeting as amended.
On a roll call vote: Ms. Desrosiers – yes; Ms. Reed-yes; Mr. Yeomans-yes; Mr. McCusker-yes; Chairman-yes. 5-yes, 0-no, motion passed.

Minutes from 6/10/2021 Meeting

Motion made by Mr. Yeomans and 2nd by Ms. Reed to accept the minutes from the 6/10/2021 meeting as amended.

On a roll call vote: Ms. Desrosiers – yes; Ms. Reed-yes; Mr. Yeomans-yes; Mr. McCusker-yes; Chairman-yes. 5-yes, 0-no, motion passed.

Minutes from 9/30/2021 Meeting

Motion made by Mr. Yeomans and 2nd by Ms. Reed to accept the minutes from the 9/30/2021 meeting as amended.

On a roll call vote: Ms. Desrosiers – yes; Ms. Reed-yes; Mr. Yeomans-yes; Mr. McCusker-yes; Chairman-yes. 5-yes, 0-no, motion passed.

Minutes from 11/4/2021 Meeting

Motion made by Mr. Yeomans and 2nd by Mr. McCusker to accept the minutes from the 11/4/2021 meeting as amended.

On a roll call vote: Ms. Desrosiers – yes; Ms. Reed-yes; Mr. Yeomans-yes; Mr. McCusker-yes; Chairman-yes. 5-yes, 0-no, motion passed.

Motion made by Mr. McCusker and 2nd by Mr. Yeomans to adjourn meeting. On a roll call vote: Ms. Reed-yes; Mr. Yeomans-yes; Mr. McCusker-yes; Chairman-yes. All in favor, motion passed meeting adjourned at 9:03 p.m.

Respectfully submitted by Katrina Koshivos

Kay Reed

Kay Reed - Clerk